

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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RAAB FAMILY PARTNERSHIP, et  
al.,

Plaintiffs,

v.

BOROUGH OF MAGNOLIA,

Defendant.

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Civil No. 08-5050 (JBS)

**ORDER FOR PRELIMINARY  
INJUNCTION  
AND  
FOR DECLARATORY RELIEF**

This matter came before the Court upon Plaintiffs' motion for preliminary injunctive relief and for partial summary judgment granting declaratory relief [Docket Item 7]; and

The Court having considered the submissions of counsel in support and opposition, together with oral argument on February 11, 2009; and

For the reasons and findings set forth in the Opinion of today's date;

IT IS this 13th day of **February, 2009** hereby

ORDERED that Plaintiffs' motion for preliminary injunctive relief be, and hereby is, GRANTED, and Defendant, Borough of Magnolia, its agents, officials, and employees, are hereby PRELIMINARILY ENJOINED during the pendency of this litigation:

- A. From enforcing any provision of Ordinance 2007:11A against Plaintiffs; and
- B. From issuing any citation against Plaintiffs' properties or Plaintiffs for violations of the

certificate of occupancy ordinance or any other housing-related ordinance unless based upon good cause, specifying with particularity the nature of the violation at issue and the particular provision of the law or applicable code that has been violated;

IT IS FURTHER ORDERED that Plaintiffs' motion for partial summary judgment be, and it hereby is, GRANTED, and it is ADJUDGED and DECREED that Defendant Borough of Magnolia's Certificate of Occupancy Ordinance in Section 112-2 is VOID and shall not be enforced in its present form.

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
United States District Judge